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PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

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**TRANSMITTAL  
FORM***(to be used for all correspondence after initial filing)*

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/782,552
	Filing Date	February 19, 2004
	First Named Inventor	Ailey
	Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	010930.00131

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> <b>PTO SB08A with cited references attached</b>
Remarks		Being filed via Express Mail No.: EL955623764US
The Commissioner is hereby authorized to charge any deficiencies in payment or credit any overpayment to our Deposit Account 19-0733.		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Charles W. Shifley
Signature	<i>Charles W. Shifley</i>
Date	March 26, 2004

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Ailey et al.

Serial No.: 10/782,552

Filed: February 19, 2004

For: Device For Defining A Handle In A  
Tubular Covering For A Food  
Product



Atty. Docket No.: 010930.00131

Group Art Unit: TBA

Examiner: TBA

Confirmation No.: TBA

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. 1.97 and 1.98, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. § 1.56. Copies of the references cited below are enclosed.

The references are also listed on the enclosed and completed Form PTO/SB/08A.

**REFERENCES**

**U.S. Patent Documents**

1. U.S. Patent No. 3,383,754, K.A. Klenz, Issued May 21, 1968;
2. U.S. Patent No. 3,389,533, M.J.G. Tipper et al., Issued June 25, 1968;
3. U.S. Patent No. 4,044,450, Raudys et al., Issued August 30, 1977;
4. U.S. Patent No. 4,165,593, Niedecker, Issued August 28, 1979;
5. U.S. Patent No. 4,247,005, Buxton, Issued January 27, 1981;
6. U.S. Patent No. 4,537,006, Pieri, Issued August 27, 1985;
7. U.S. Patent No. 4,969,233, Stanley, Issued November 13, 1990;
8. U.S. Patent No. 5,017,175, Klusmire, Issued May 21, 1991;
9. U.S. Patent No. 5,042,238, Evans et al., Issued August 27, 1991;
10. U.S. Patent No. 5,067,313, Evans, Issued November 26, 1991;

# CERTIFICATE OF MAILING

Express Mail No. EL955623764US

Deposited: March 26, 2004

I hereby certify that the attached correspondence, identified below, is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:  \_\_\_\_\_

Application of: Harrison A. Ailey, Jr., et al.

Application No.: 10/782,552

Filing Date: February 19, 2004

Title: Device for Defining a Handle in a Tubular Covering for a Food Product

Transmitted herewith are the following documents:

- X Transmittal (1 page) in duplicate
- X Information Disclosure Statement (2 pages)
- X PTO SB O8A (1 page) with cited references attached
- X Return Postcard

Attorney Case No.: 010930.00131

11. U.S. Patent No. 5,109,648, Evans, Issued May 5, 1992;
12. U.S. Patent No. 5,165,216, May et al., Issued November 24, 1992;
13. U.S. Patent No. 5,476,673, Sombrio, Issued December 19, 1995.

Foreign Patents

1. French Patent No. 2 463 059, issued February 20, 1981.

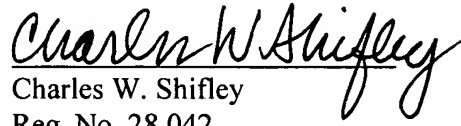
Other Prior Art

1. Copy of English language abstract of French Patent No. 2 463 059;
2. Tipper Tie Whole Bird Packaging System; [www.tippertie.com/poultry/tb10.asp](http://www.tippertie.com/poultry/tb10.asp);
3. Tipper Tie TB15; [www.tippertie.com/poultry/tb15.asp](http://www.tippertie.com/poultry/tb15.asp);
4. Tipper Tie Z3214; [www.tippertie.com/poultry/z3214.asp](http://www.tippertie.com/poultry/z3214.asp).

Respectfully submitted,  
BANNER & WITCOFF, LTD

Dated: March 26, 2004

By:

  
Charles W. Shifley  
Reg. No. 28,042



PTO/SB/08a (05-03)

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 Of 1

**Complete if Known**

Application Number	10/782,552
Filing Date	February 19, 2004
First Named Inventor	Ailey et al.
Art Unit	
Examiner Name	
Attorney Docket Number	010930.00131

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US-3383754	05-21-1968	K.A. Klenz	
		US- 3389533	06-25-1968	M.J.G. Tipper et al.	
		US- 4044450	08-30-1977	Raudys et al	
		US- 4165593	08-28-1979	Niedecker	
		US- 4247005	01-27-1981	Buxton	
		US- 4537006	08-27-1985	Pieri	
		US- 4969233	11-13-1990	Stanley	
		US- 5017175	05-21-1991	Klusmire	
		US-5042238	08-27-1991	Evans et al.	
		US- 5067313	11-26-1991	Evans	
		US- 5109648	05-05-1992	Evans	
		US- 5165216	11-24-1992	May et a.	
		US- 5476673	12-19-1995	Sombrio	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		2 463 059	02-20-1981	Ezequiel Giro Marsal		

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		English language abstract	
		Tipper Tie Whole Bird Packaging System; <a href="http://www.tippertie.com/poultry/tb10.asp">www.tippertie.com/poultry/tb10.asp</a>	
		Tipper Tie TB15; <a href="http://www.tippertie.com/poultry/tb15.asp">www.tippertie.com/poultry/tb15.asp</a>	
		Tipper Tie Z3214; <a href="http://www.tippertie.com/poultry/z3214.asp">www.tippertie.com/poultry/z3214.asp</a>	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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